

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

CORA MOSS HAYWOOD

PLAINTIFF

v.

No. 2:06CV108-P-A

**TRIBECA LENDING CORPORATION,
FRANKLIN CREDIT MANAGEMENT CORPORATION,
FCMC 2001 D CORPORATION**

DEFENDANTS

**ORDER DENYING MOTIONS [110], [111], [115] TO RECONSIDER MEMORANDUM
OPINION AND FINAL JUDGMENT GRANTING DEFENDANT TRIBECA'S
MOTION FOR SUMMARY JUDGMENT, DENYING PLAINTIFF'S MOTION [117] TO
STAY CASE PENDING INVESTIGATION BY THE
MISSISSIPPI ATTORNEY GENERAL'S OFFICE**

This matter comes before the court on the plaintiff's three motions [110], [111], [115] to reconsider the court's final judgment granting the defendant Tribeca's motion for summary judgment, as well as the plaintiff's motion [117] to stay the case pending an investigation by the Mississippi Attorney General's Office. For the reasons set forth below, all four motions shall be denied.

The court construes the motions [110], [111], [115] for reconsideration under the liberal standard set forth in *Haines v. Kerner*, 404 U.S. 519 (1972) as motions under FED. R. CIV. P. 60. An order granting relief under Rule 60 must be based upon: (1) clerical mistakes, (2) mistake, inadvertence, surprise, or excusable neglect, (3) newly discovered evidence, (4) fraud or other misconduct of an adverse party, (5) a void judgment, or (6) any other reason justifying relief from the operation of the order. The plaintiff has neither asserted nor proven any of the specific justifications for relief from an order permitted under Rule 60. In addition, the plaintiff has not presented "any other reason justifying relief from the operation" of the judgment. Indeed, the

plaintiff has merely recast the same arguments considered and rejected by the court on summary judgment. As such, the plaintiff's motions [110], [111], [115] for reconsideration are **DENIED**.

The plaintiff has also moved the court to stay the case "pending an investigation of the [Mississippi] Attorney General's office," with a form requesting such an investigation signed by the plaintiff on October 9, 2007, attached as an exhibit. The parties have made their arguments in this case, and the court has rendered its decision. The time to initiate an investigation into this matter spanned from the plaintiff's discovery of the facts surrounding her case (which she knew or could have discovered in late 2001 or early 2002) through the expiration of the discovery deadlines in this case (which expired in May 2007) – not after entry of final judgment. The plaintiff has cited no law to support her request to stay the case based upon her request for a state investigation, and, indeed, the court knows of none. As such, the instant motion [117] to stay these proceedings pending investigation shall be denied.

In sum, the plaintiff's motions [110], [111], [115] for reconsideration are hereby **DENIED**, and the plaintiff's motion to stay this case pending investigation by the state is hereby **DENIED**.

SO ORDERED, this the 5th day of November, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE